

ORIGINAL

FILED IN CHAMBERS
U.S.D.C. Atlanta

IN THE UNITED STATES DISTRICT COURT

DEC 15 2009

FOR THE NORTHERN DISTRICT OF GEORGIA

JAMES M. HATTEN, Clerk
By:  Deputy Clerk

ATLANTA DIVISION

UNITED STATES OF AMERICA

CRIMINAL INDICTMENT

NO. 1 09 - CR - 551

v.

EDGAR VALDEZ-VILLAREAL,

a.k.a. LA BARBIE,

a.k.a. JUEDO;

CARLOS MONTEMAYOR,

a.k.a. THE DIRECTOR,

a.k.a. LICENCIADO,

a.k.a. FOX;

RUBEN HERNANDEZ,

a.k.a. SUPER,

a.k.a. SECRE;

JUAN MONTEMAYOR,

a.k.a. VICE,

a.k.a. JOHNNY-5;

ROBERTO LOPEZ,

a.k.a. SHREK,

a.k.a. NWA; and

JESUS RAMOS,

a.k.a. C-1.

THE GRAND JURY CHARGES THAT:

COUNT ONE

From at least May 2004 and continuing through to on or about January 2006,
in the Northern District of Georgia and elsewhere, the defendants,

EDGAR VALDEZ-VILLAREAL, a.k.a. LA BARBIE, a.k.a. JUEDO;
CARLOS MONTEMAYOR, a.k.a. EL DIRECTOR,
a.k.a. LICENCIADO, a.k.a. FOX;
RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a. SECRE;
JUAN MONTEMAYOR, a.k.a. VICE, a.k.a. JOHNNY-5;
ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA; and
JESUS RAMOS, a.k.a. C-1,

aided and abetted by others known and unknown to the grand jury, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with each other and others known and unknown to the Grand Jury to violate Title 21, United States Code, Section 841(a)(1), that is, to knowingly and intentionally possess with the intent to distribute, and to distribute, controlled substances, with such conspiracy including but not limited to at least five kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii), and Title 18, United States Code, Section 2.

COUNT TWO

From at least May 2004 and continuing through to on or about January 2006, in the Northern District of Georgia and elsewhere, the defendants,

EDGAR VALDEZ-VILLAREAL, a.k.a. LA BARBIE, a.k.a. JUEDO;
CARLOS MONTEMAYOR, a.k.a. EL DIRECTOR,
a.k.a. LICENCIADO, a.k.a. FOX;
RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a. SECRE;
JUAN MONTEMAYOR, a.k.a. VICE, a.k.a. JOHNNY-5; and
ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA;

aided and abetted by others known and unknown to the grand jury, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with each other and others known and unknown to the Grand Jury to violate Title 21, United States Code, Section 960(a)(1), that is, to knowingly and intentionally import controlled substances, with such conspiracy including but not limited to at least five kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 963 and 960(b)(1)(B)(ii), and Title 18, United States Code, Section 2.

COUNT THREE

On or about June 21 through June 24, 2005, in the Northern District of Georgia, the defendant,

JUAN MONTEMAYOR, a.k.a. VICE, a.k.a. JOHNNY-5,

aided and abetted by others, did knowingly and intentionally possess with the intent to distribute, and did distribute, at least five kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(A)(ii).

COUNT FOUR

On or about July 18-19, 2005, in the Northern District of Georgia, the defendants,

CARLOS MONTEMAYOR, a.k.a. EL DIRECTOR,
a.k.a. LICENCIADO, a.k.a. FOX; and
RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a. SECRE;

aided and abetted by others, did knowingly and intentionally possess with the intent to distribute, and did distribute, at least five kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(A)(ii).

COUNT FIVE

On or about August 13-15, 2005, in the Northern District of Georgia, the defendant,

CARLOS MONTEMAYOR, a.k.a. EL DIRECTOR,
a.k.a. LICENCIADO, a.k.a. FOX,
and ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA;

aided and abetted by others, did knowingly and intentionally possess with the intent to distribute, and did distribute, at least five kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(A)(ii).

COUNT SIX

On or about October 16-18, 2005, in the Northern District of Georgia, the defendant,

RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a. SECRE;
ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA;

aided and abetted by others, did knowingly and intentionally possess with the intent to distribute, and did distribute, at least five kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(A)(ii).

COUNT SEVEN

On or about November 11, 2005, in the Northern District of Georgia, the defendants,

RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a. SECRE;
ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA;

did knowingly and intentionally possess with the intent to distribute, and did distribute, at least five kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(A)(ii).

COUNT EIGHT

On or about November 15, 2005, in the Northern District of Georgia, the defendants,

CARLOS MONTEMAYOR, a.k.a. EL DIRECTOR,
a.k.a. LICENCIADO, a.k.a. FOX;
RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a. SECRE;
JUAN MONTEMAYOR, a.k.a. VICE, a.k.a. JOHNNY-5;
ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA;

did knowingly and intentionally possess with the intent to distribute, at least five kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(A)(ii).

COUNT NINE

Beginning in or about May 2004 and continuing through to on or about November 2005, in the Northern District of Georgia, and elsewhere, the defendants,

EDGAR VALDEZ-VILLAREAL, a.k.a. LA BARBIE, a.k.a. JUEDO;
CARLOS MONTEMAYOR, a.k.a. EL DIRECTOR,
a.k.a. LICENCIADO, a.k.a. FOX;
RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a. SECRE;
JUAN MONTEMAYOR, a.k.a. VICE, a.k.a. JOHNNY-5;
ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA; and
JESUS RAMOS, a.k.a. C-1;

did knowingly and willfully combine, conspire, confederate, agree and have a tacit understanding with other persons known and unknown to the Grand Jury, to commit

violations of the law of the United States of America under Title 18, United States Code, Section 1956, to transport, transmit, or transfer monetary instruments and funds from a place inside the United States to a place outside the United States,

- (1) with the intent to promote the carrying on of specified unlawful activity;
and
- (2) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole in or in part--
 - (i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of the specified unlawful activity; and
 - (ii) to avoid a transaction reporting requirement under State and Federal laws.

WAYS, MANNERS AND MEANS OF THE CONSPIRACY

The purpose of the conspiracy was to acquire monies derived from the sale of controlled substances and then to transfer and deliver the monies to other co-conspirators so that the monies could be transported to the sources of supply of the controlled substances in Mexico.

1. It was part of the conspiracy that the defendants did, either personally or by the actions of their co-conspirators and subordinates, accept large amounts of currency from drug customers and said currency was counted, processed, and packaged, and then delivered and transferred to other co-conspirators for transportation to the sources of supply in Mexico.
2. It was further part of the conspiracy that the defendants did, either personally or by the actions of their co-conspirators and subordinates, transport the currency in tractor trailer trucks and other vehicles to locations in Texas, where the currency would be stored temporarily until it was transported over the United States border and into Mexico, where it was accepted by the defendants, their co-conspirators, and their subordinates.

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE PROVISION

Upon conviction of the controlled substance offences alleged in Counts One through Eight of this Indictment, defendants EDGAR VALDEZ-VILLAREAL, a.k.a. LA BARBIE, a.k.a. JUEDO, CARLOS MONTEMAYOR, a.k.a. EL DIRECTOR, a.k.a. LICENCIADO, a.k.a. FOX, RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a.

SECRE, JUAN MONTEMAYOR, a.k.a. VICE, a.k.a. JOHNNY-5, ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA, JESUS RAMOS, a.k.a. C-1, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, (a) all property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations, and (b) all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violations, including, but not limited to, the following:

- (1) A sum of money in United States Currency equal to the amount of proceeds obtained as a result of the offenses.

Additionally, upon conviction of the money laundering offenses alleged in Count Nine of this Indictment, in violation of Title 18, United States Code, Section 1956, defendants EDGAR VALDEZ-VILLAREAL, a.k.a. LA BARBIE, a.k.a. JUEDO, CARLOS MONTEMAYOR, a.k.a. EL DIRECTOR, a.k.a. LICENCIADO, a.k.a. FOX, RUBEN HERNANDEZ, a.k.a. SUPER, a.k.a. SECRE, JUAN MONTEMAYOR, a.k.a. VICE, a.k.a. JOHNNY-5, ROBERTO LOPEZ, a.k.a. SHREK, a.k.a. NWA, JESUS RAMOS, a.k.a. C-1, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real or personal, involved in such offenses and all property traceable to such offenses, including, but not limited to, the following:

- (1) A sum of money in United States Currency equal to the total amount of money involved in the offenses for which the defendants are convicted.

If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18 United States Code, Section 982(b), to seek forfeiture of

